

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
Next Step Group, Inc.,

Petitioner,

Cancellation No.

v.

Cover Girl Hosiery Inc.,

Registrant.
-----X

U.S. Patent & TM Office Mail Report #78
09-12-2003



PETITION FOR CANCELLATION

Next Step Group, Inc., believes that it is and that it will continue to be damaged by United States Trademark Registration No. 1,286,108 of July 17, 1984, for "COVER GIRL" and hereby petitions to cancel said registration.

As grounds therefor, it is alleged that:

1. Petitioner is a corporation organized under and existing by virtue of the laws of the State of New York and has an office and place of business at 350 Fifth Avenue, New York, New York, 10018.
2. On September 4, 2003 Petitioner filed an e-application to register the trademark COVER GIRL with the United States Patent and Trademark Office for "underwear, legwear and hosiery". That application was assigned a serial number of 78/295,848. Petitioner is also the owner of Registration Nos. 1,188,714 and 1,685,398 for COVER GIRL footwear goods, allowed application serial no. 75/766,853 for COVER GIRL for apparel and application no. 76/370,313 for COVER GIRL for handbags, wallets and hats.
3. Upon information and belief, Registrant has abandoned the COVER GIRL trademark which is the subject of Registration No. 1,286,108 sought to be canceled herein by discontinuing use of said trademark with no intent to resume use thereof.
4. For the purpose of this petition only, and for no other purpose, Petitioner alleges that Registrant's registered and abandoned COVER GIRL trademark is confusingly similar to Petitioner's trademark COVER GIRL, as applied to the hosiery and legwear goods

09/26/2003 ZCLIFT01 00000016 1286108

01 FC:6401

300.00 0P

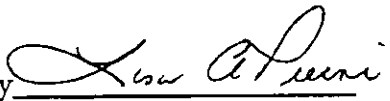
in Petitioner's application serial no. 78/295,848.

5. If Registrant's Registration No. 1,286,108 is not canceled, Registrant will continue to enjoy the prima facie exclusive right to use the abandoned COVER GIRL trademark for its products, thus casting a cloud upon Petitioner's right to the exclusive use of its mark and preventing Petitioner's application for COVER GIRL, serial no. 78/295,848, from proceeding to registration, whereby Registrant's registration will continue to be a source of damage and injury to Petitioner.

WHEREFORE, Petitioner prays that Registration No. 1,286,108 be canceled, that this Petition for Cancellation be sustained in favor of Petitioner and that the continued registration for COVER GIRL as a trademark be denied to Registrant.

Next Step Group, Inc.

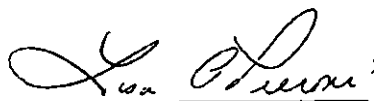
Dated: September 12, 2003

By 

Lisa A. Pieroni
KIRSCHSTEIN, OTTINGER,
ISRAEL & SCHIFFMILLER, P.C.
Attorneys for Petitioner
489 Fifth Avenue
New York, NY 10017
(212) 697-3750

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202, Att: Trademark Trial and Appeal Board, on this 12th day of September 2003.



Lisa A. Pieroni